

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.	09/771,135	Inventor(s): Messer et al.
Filed: January 27, 2001	Attorney Docket No.: 237504.000013	
Customer No. 09629	Confirmation No.: 6726	
Title: METHODS, APPARATUS AND ARTICLES-OF-MANUFACTURE FOR SECONDARY REFERRAL TRACKING ON A PUBLIC-ACCESS COMPUTER NETWORK		
Examiner: Le, Khanh H.	Art Unit: 3688	

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
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APPEAL BRIEF - PATENTS

Sir:

This is an Appeal Brief in connection with the decisions of the Examiner in a Final Office Action mailed May 9, 2011 ("Office Action"), and in connection with the Notice of Appeal filed on October 10, 2011.

It is respectfully submitted that the present application has been more than twice rejected.

Each of the topics required in an Appeal Brief are presented herewith.

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Real Party in Interest

The real party in interest is LinkShare Corporation.

Related Appeals and Interferences

The Appellant is unaware of any appeals or interferences related to this case.

Status of Claims

Claims 51-55, 58, and 60-66 are pending in the present application and stand rejected.

Pursuant to 37 C.F.R. § 41.37, the Appellant hereby appeals the Examiner's decision finally rejecting all of the pending claims to the Board of Patent Appeals and Interferences. Therefore, claims 51-55, 58, and 60-66 of this application are at issue on this appeal.

Status of Amendments

No amendment was filed subsequent to the Final Office Action dated May 9, 2011.

A copy of the claims at issue on appeal is attached as the Claims Appendix.

Summary of Claimed Subject Matter

Claims 51, 61 and 64 are independent. It should be understood that the citations below to the original disclosure as providing support for the claimed features are merely exemplary and do not limit the claim features to only those citations.

51. (Previously presented) A data processing system for supporting web-based commerce and commission tracking on a multi-node network comprising (p. 2, ll. 17-22; p. 5, ll.

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17-21; p. 19, ll. 13-17; figs. 5, 7);

a clearinghouse server in communication with a plurality of affiliate servers (p. 31, ll. 1-13; p. 32, ll. 17-19; figs. 5, 7);

said clearinghouse server containing programming for communicating with a first affiliate server of said plurality of affiliate servers, wherein the first affiliate server is operable to generate a first affiliate website comprising a primary referral link, wherein said clearinghouse server is operable to receive communications from said first affiliate server in the form of a HTTP command comprising an affiliate field indicating a user's use of said primary referral link (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7);

said clearinghouse server containing programming for communicating with a second affiliate server of said plurality of affiliate servers, wherein the second affiliate server is operable to generate a second affiliate website comprising a secondary referral link, wherein said clearinghouse server is operable to receive communications from said second affiliate server in the form of a HTTP command comprising an affiliate field indicating said user's use of said secondary referral link (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7);

wherein said primary referral link comprises a first sub-link from said first affiliate server to said clearinghouse server and a second sub-link from said clearinghouse server to said second affiliate server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7);

said clearinghouse server containing programming for communicating with a merchant server, wherein said merchant server is operable to generate a merchant website and operable to process an electronic transaction via said merchant website, wherein said clearinghouse server is operable to receive communications from said merchant server, wherein said communications

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comprise information relating to completion of an electronic transaction by said user on said merchant website (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7);

wherein said secondary referral link comprises a third sub-link from said second affiliate server to said clearinghouse server and a fourth sub-link from said clearinghouse server to said merchant server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7); and

wherein said clearinghouse server is operable to assign compensation to each of said first affiliate website and said second affiliate website in response to (i) a network-connected user's use of said primary referral link provided by said first affiliate website to reach said second affiliate website; (ii) said user's use of said secondary referral link provided by said second affiliate website to reach said merchant website; and (iii) said user's completion of the electronic transaction with said merchant site (p. 7, l. 11 – p. 8, l. 7).

61. (Previously presented) A method for supporting web-based commerce and commission tracking at a clearinghouse server, the method comprising (p. 2, ll. 17-22; p. 5, ll. 17-21; p. 19, ll. 13-17; figs. 5, 7):

in response to a user computer connecting to said clearinghouse server as a result of accessing a first referral link in a web page of a first server, wherein said first referral link corresponds to a referral from said first server to a second server (p. 2, ll. 17-22; p. 5, ll. 17-21; p. 19, ll. 13-17; figs. 5, 7):

redirecting said user computer to said second server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7), and

storing a record of said referral from said first server to said second server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7);

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in response to said user computer connecting to said clearinghouse server as a result of accessing a second referral link in a web page of said second server, wherein said second referral link corresponds to a referral from said second server to a merchant server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7):

redirecting said user computer to said merchant server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7), and

storing a record of said referral from said second server to said merchant server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7); and

in response to an indication that said user computer completed an electronic purchase via a web page of said merchant server, assigning compensation to said first server and to said second server based on said record of said referral from said first server to said second server and said record of said referral from said second server to said merchant server (p. 7, l. 11 – p. 8, l. 7).

64. (Previously presented) Software embodied on a non-transitory computer readable medium and executable by a processor, wherein said software, when executed on a computer, causes said computer to perform steps comprising (p. 2, ll. 17-22; p. 5, ll. 17-21; p. 18, ll. 3-12; p. 19, ll. 13-17; figs. 5, 7):

in response to a user computer connecting to said clearinghouse server as a result of accessing a first referral link in a web page of a first server, wherein said first referral link corresponds to a referral from said first server to a second server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7):

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redirecting said user computer to said second server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7), and

storing a record of said referral from said first server to said second server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7);

in response to said user computer connecting to said clearinghouse server as a result of accessing a second referral link in a web page of said second server, wherein said second referral link corresponds to a referral from said second server to a merchant server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7):

redirecting said user computer to said merchant server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7), and

storing a record of said referral from said second server to said merchant server (p. 31., ll 1-22; p. 32., l. 17 – p. 33, l., 7; figs. 5, 7); and

in response to an indication that said user computer completed an electronic purchase via a web page of said merchant server, assigning compensation to said first server and to said second server based on said record of said referral from said first server to said second server and said record of said referral from said second server to said merchant server (p. 7, l. 11 – p. 8, l. 7).

Grounds of Rejection to be Reviewed on Appeal

A. Whether claims 51-55, 58, and 60-66 were properly rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,249,056, to Crouthamel et al. (hereinafter “Crouthamel”) in view of U.S. Patent No. 6,804,660, to Landau et al. (hereinafter “Landau”),

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Official Notice #1 (with e.g. U.S. Patent No. 6,826,594 to Petterson (hereinafter “Petterson”) or Crouthamel as support) and further in view of Official Notice #2.

B. Whether claims 51-55 and 58 were properly rejected in the alternative under 35 U.S.C. 103(a) as being unpatentable over Crouthamel in view of Landau, Official Notice #1 (with e.g. Petterson or Crouthamel as support) and further in view of Official Notice #2.

C. Whether claims 51-55 and 58 were properly rejected in the 2nd alternative under 35 U.S.C. 103(a) as being unpatentable over Crouthamel in view of Landau, Official Notice #1 (with e.g. Petterson or Crouthamel as support), Official Notice #2 and Official Notice #3 (with e.g. U.S. Patent 5,963,915 to Kirsch or Peterson as support).

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Arguments

A. The rejection of claims 51-55, 58, and 60-66 under 35 U.S.C. 103(a) as being unpatentable over Crouthamel in view of Landau, Official Notice #1 and further in view of Official Notice #2 should be reversed.

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007):

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

(A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference

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teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness.”

Additionally, as set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, “[a]ll claim limitations must be considered” because “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385.

Claims 51-55, 58, and 60-66 were rejected under 35 U.S.C. 103(a) as being unpatentable over Crouthamel in view of Landau, Official Notice #1 and further in view of Official Notice #2.

Applicant’s claimed technology relates to Internet web sites and, more specifically, to tracking successive web site referrals that result in an electronic purchase.

The purpose of Crouthamel is to enable merchants, who have different database formats than partner websites, to conduct business on these partner websites by providing a clearinghouse for translating the merchant database formatted data into data compliant with the partner database and vice versa.

The purpose of Landau on the other hand is to allow for affiliates in two separate affiliate systems to be able to refer their users to each other without merging the two affiliate systems.

The distinct operation of the two references precludes any possible motivation or reason for a person skilled in the art to have combined these two systems as proposed by the Examiner.

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In particular, the Examiner states that it would have been obvious to one of ordinary skill in the art “to add Landau’s teaching of successive referrals to Crouthamel to allow forming successive referrals in Crouthamel’s system.” (Office Action, p. 7). This conclusory statement relying on hindsight reasoning is well beyond the governing logic of *KSR*. Moreover, the proposed combination of Landau to Crouthamel would render the system unsatisfactory for its intended purpose. (*See* MPEP § 2143.01(V)). For example, if successive websites were tracked without a clearinghouse as taught by Landau, then the data translation could not take place in the clearinghouse of Crouthamel and product data could not be properly accessed by a user.

Independent claim 61 recites:

A method for supporting web-based commerce and commission tracking at a clearinghouse server, the method comprising:

- in response to a user computer connecting to said clearinghouse server as a result of accessing a first referral link in a web page of a first server, wherein said first referral link corresponds to a referral from said first server to a second server:
 - redirecting said user computer to said second server, and
 - storing a record of said referral from said first server to said second server;

- in response to said user computer connecting to said clearinghouse server as a result of accessing a second referral link in a web page of said second server, wherein said second referral link corresponds to a referral from said second server to a merchant server:

- redirecting said user computer to said merchant server, and
 - storing a record of said referral from said second server to said merchant server; and

- in response to an indication that said user computer completed an electronic purchase via a web page of said merchant server, assigning compensation to said first server and to said second server based on said record of said referral from said first server to said second server and said record of said referral from said second server to said merchant server.

To illustrate this claim the following non-limiting example is provided: a network contains 1) a clearinghouse server, 2) a cheese website containing a link to a wine website, 3) the

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wine website containing a link to a corkscrew merchant website, and 4) the corkscrew merchant website. A user visits cheese website and clicks on the link to wine website. The user is sent first to the clearinghouse server, which records this referral information, and then is redirected to the wine website. Once on the wine website, the user then clicks on the link to corkscrew merchant and the user is again sent to the clearinghouse server, which records this referral information, and then redirected to the corkscrew merchant website. The user then makes an electronic purchase at the corkscrew merchant website. The clearinghouse server then assigns compensation to both the wine website *and* the cheese website based on the stored information.

Independent claim 61 teaches in part, in response to an indication that a user completed an electronic purchase via a web page of a merchant server, assigning compensation to a first server and to a second server based on a record of a referral from the first server to the second server and a record of a referral from the second server to the merchant server. The Examiner concedes that these limitations are not disclosed in Crouthamel and does not allege that they are taught by Landau, nor are they. (Office Action, p. 6). Instead, the Examiner relies on the following rationale (Office Action, pp. 6-7):

- 1) Crouthamel discloses that each merchant has many partners and thus it would have been obvious that these partners could be referral sources for each other and also form "successive referrals,"
- 2) "successive referrals" are taught by Landau,
- 3) it would have been obvious to one skilled in the art to add Landau's teaching of "successive referrals" to Crouthamel to allow forming "successive referrals" in Crouthamel,
- 4) Official Notice #1 is taken that "central accounting via a central hub is well-known for accounting convenience" (citing Pettersen and Crouthamel), and
- 5) Official Notice #2 is taken that it is well known to split commissions between several parties participating in facilitating completion of a single service or transaction.

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As noted above, the combination of Crouthamel with Landau is improper as the combination would render the system unsatisfactory for its intended purpose. Moreover, the only rationale given for adding “Landau’s teaching of successive referrals to Crouthamel” is to “allow forming successive referrals in Crouthamel.” There is no articulated reasoning of why combining Landau’s “successive referrals” in Crouthamel would be obvious.

A key feature of claim 61 is that a single purchase results in two separate commission payments, each to different entities (or servers). Such a feature is clearly not taught by any of the references cited. Crouthamel does not teach anything resembling successive referrals and would have no reason to teach two separate commission payments for a single purchase. While Landau teaches its own version of tracking, it does not teach successive referrals as claimed, nor does it teach a single purchase resulting in two separate commission payments. For example, in Landau, Fred.com does not share its commission with CDMerchant.com, nor does Ernie share his commission with MusicMemorabilia.com (see Landau col. 19, lines 25-65). Rather, Landau teaches tracking a primary source and a primary affiliate system. (See Landau cols. 17-19). The reason the affiliate system identifier is necessary is because Landau is directed to virtually connecting different affiliate networks together (so an affiliate participating in one network need not sign up for the other network), and thus, it becomes important to know which affiliate network the primary source is located in for commissions to be accurately paid.

The Examiner seeks to remedy this deficiency by adding Official Notice #2. The evidence provided for Official Notice #2 is that “in real estate purchases the commissions [] are customarily split between the buyer’s and seller’s agents and/or brokers who facilitate the transaction.” First, splitting a commission in a real estate setting is very different from assigning

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compensation to different servers based on a user's pathway across a network. Second, this Official Notice does not teach or suggest assigning compensation based on a record of a referral from the first server to the second server and a record of referral from the second server to the merchant server, as claimed. Thus, the Examiner incorrectly generalizes claim limitations and ignores specific elements. ("All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d at 1385.)

Regarding Official Notice # 1, the significance of "central accounting via a central hub" is unclear to Applicant as this is not related to a claimed feature. The portion of Pettersen cited discloses that since credits to affiliates and debits to merchants can be stored in a central hub, all of the credits and debits can be aggregated and one payment from the merchant to the referring affiliate can be made per a certain time period, for accounting convenience (rather than many small separate payments). The accounting scheme in Pettersen has no relevance in teaching the features of claim 61 listed above. To the extent this Official Notice is meant to disclose that "based on a record of a referral from the first server to the second server and a record of a referral from the second server to the merchant server," Pettersen, and the Official Notice, fail to teach or suggest a system where referrals from a first server to a second server, and from a second server to a merchant server, are recorded at a central hub.

Accordingly, Official Notice #1 and #2, Crouthamel and Landau, both singularly and in combination, fail to teach or suggest the above features.

The Examiner's general assertions that "central accounting via a central hub" and that "it is well known to split commissions between several parties participating in facilitating completion of a single service or transaction" are well-known, fail to teach or suggest the above

cited limitations. Similar features are taught in independent claims 51 and 64. The references fail to remedy these deficiencies, and thus, the references and Official Notices fail to teach or suggest these features of claims 51, 61, and 64.

Independent claim 51 recites:

A data processing system for supporting web-based commerce and commission tracking on a multi-node network comprising:

 a clearinghouse server in communication with a plurality of affiliate servers;

 said clearinghouse server containing programming for communicating with a first affiliate server of said plurality of affiliate servers, wherein the first affiliate server is operable to generate a first affiliate website comprising a primary referral link, wherein said clearinghouse server is operable to receive communications from said first affiliate server in the form of a HTTP command comprising an affiliate field indicating a user's use of said primary referral link;

 said clearinghouse server containing programming for communicating with a second affiliate server of said plurality of affiliate servers, wherein the second affiliate server is operable to generate a second affiliate website comprising a secondary referral link, wherein said clearinghouse server is operable to receive communications from said second affiliate server in the form of a HTTP command comprising an affiliate field indicating said user's use of said secondary referral link;

 wherein said primary referral link comprises a first sub-link from said first affiliate server to said clearinghouse server and a second sub-link from said clearinghouse server to said second affiliate server;

 said clearinghouse server containing programming for communicating with a merchant server, wherein said merchant server is operable to generate a merchant website and operable to process an electronic transaction via said merchant website, wherein said clearinghouse server is operable to receive communications from said merchant server, wherein said communications comprise information relating to completion of an electronic transaction by said user on said merchant website;

 wherein said secondary referral link comprises a third sub-link from said second affiliate server to said clearinghouse server and a fourth sub-link from said clearinghouse server to said merchant server; and

 wherein said clearinghouse server is operable to assign compensation to each of said first affiliate website and said second affiliate website in response to (i) a network-connected user's use of said primary referral link provided by said first affiliate website to reach said second affiliate website; (ii) said user's use of said secondary referral link provided by said second affiliate website to reach said

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merchant website; and (iii) said user's completion of the electronic transaction with said merchant site.

With respect to claim 51, the Examiner states that "all the HTTP details in claim 51 are not given patentable weight" because the 1st and 2nd affiliate servers are "claimed merely as part of the intended use of the [clearinghouse] programmed FOR communicating with the" 1st and 2nd servers. (Office Action, pp. 7-8). Accordingly, the Examiner does not give patentable weight to the details of the links and http commands. (Office Action, p. 8).

Claim 51 describes a clearinghouse server containing programming for communicating with an affiliate server having specific characteristics. These descriptive characteristics are not simply an intended use of the clearinghouse server. Rather, the programming contained in the clearinghouse server is based on these specific affiliate server and http characteristics. Thus, Applicant contends that the Examiner's failure to accord patentable weight to the link details and http commands is improper.

Accordingly, reversal of this rejection is respectfully requested.

B. The alternative rejection of claims 51-55 and 58 under 35 U.S.C. 103(a) as being unpatentable over Crouthamel in view of Landau, Official Notice #1 and further in view of Official Notice #2 should be reversed.

The Office Action provides an alternative rejection to claims 51-55 and 58 under 35 U.S.C. § 103(a) in which it accords patentable weight to the HTTP features of claim 51.

Claim 51 recites features similar to those recited by claim 61 discussed above. The rationale provided in this rejection fails to remedy the deficiencies noted above, and claim 51 is believed to be allowable for at least the same reasons noted above.

Accordingly, reversal of this rejection is respectfully requested.

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C. The 2nd alternative rejection of claims 51-55 and 58 under 35 U.S.C. 103(a) as being unpatentable over Crouthamel in view of Landau, Official Notice #1, Official Notice #2 and Official Notice #3 should be reversed.

The Office Action provides another alternative rejection to claims 51-55 and 58 under 35 U.S.C. § 103(a) in which it accords patentable weight to the HTTP features of claim 51, and introduces an additional Official Notice (#3).

Official Notice #3 states that “redirection links containing both a sublink indicating the target server destination (second or forth sublinks) and another sublink indicating the source of the redirection request (1st and 3rd sublink), for accounting purposes, are old.” Even taken as true, this Official Notice fails to teach the claimed features. Specifically, claim 51 recites in part, “wherein said primary referral link comprises a first sub-link from said first affiliate server to said clearinghouse server and a second sub-link from said clearinghouse server to said second affiliate server.” In claim 51, the first sublink is not “the source of the redirection request;” rather, it is a link from the first affiliate server to the clearinghouse server. Accordingly, Official Notice #3 fails to teach these claimed features.

Claim 51 recites features similar to those recited by claim 61 discussed above. The rationale provided in this rejection, and Official Notice #3, fail to remedy the deficiencies noted above, and claim 51 is believed to be allowable for at least the same reasons noted above.

Accordingly, reversal of this rejection is respectfully requested.

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Conclusion

For at least the reasons given above, the rejection of claims 51-55, 58, and 60-66 described above should be reversed and these claims allowed.

Please grant any required extensions of time and charge any fees due in connection with this Appeal Brief to deposit account no. 20-1507.

Respectfully submitted,

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Claim Appendix

1-50. (Canceled)

51. (Previously presented) A data processing system for supporting web-based commerce and commission tracking on a multi-node network comprising:

a clearinghouse server in communication with a plurality of affiliate servers;

said clearinghouse server containing programming for communicating with a first affiliate server of said plurality of affiliate servers, wherein the first affiliate server is operable to generate a first affiliate website comprising a primary referral link, wherein said clearinghouse server is operable to receive communications from said first affiliate server in the form of a HTTP command comprising an affiliate field indicating a user's use of said primary referral link;

said clearinghouse server containing programming for communicating with a second affiliate server of said plurality of affiliate servers, wherein the second affiliate server is operable to generate a second affiliate website comprising a secondary referral link, wherein said clearinghouse server is operable to receive communications from said second affiliate server in the form of a HTTP command comprising an affiliate field indicating said user's use of said secondary referral link;

wherein said primary referral link comprises a first sub-link from said first affiliate server to said clearinghouse server and a second sub-link from said clearinghouse server to said second affiliate server;

said clearinghouse server containing programming for communicating with a merchant server, wherein said merchant server is operable to generate a merchant website and operable to process an electronic transaction via said merchant website, wherein said clearinghouse server is operable to receive communications from said merchant server, wherein said communications comprise information relating to completion of an electronic transaction by said user on said merchant website;

wherein said secondary referral link comprises a third sub-link from said second affiliate server to said clearinghouse server and a fourth sub-link from said clearinghouse server to said merchant server; and

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wherein said clearinghouse server is operable to assign compensation to each of said first affiliate website and said second affiliate website in response to (i) a network-connected user's use of said primary referral link provided by said first affiliate website to reach said second affiliate website; (ii) said user's use of said secondary referral link provided by said second affiliate website to reach said merchant website; and (iii) said user's completion of the electronic transaction with said merchant site.

52. (Previously presented) The data processing system of claim 51 wherein compensation assigned to the first affiliate website and the second affiliate website comprise equal shares.

53. (Previously presented) The data processing system of claim 51 wherein compensation assigned to the first affiliate website comprises a majority portion of a commission associated with said user's completion of the electronic transaction, and compensation assigned to the second affiliate website comprises a minority portion of a commission associated with said user's completion of the electronic transaction.

54. (Previously presented) The data processing system of claim 51 further comprising a database communicatively coupled to the clearinghouse server, the database operable to store data associated with the first affiliate website and the second affiliate website.

55. (Previously presented) The data processing system of claim 54 wherein the database is further operable to store data associated with compensation assigned to the first affiliate website and the second affiliate website.

56. (Canceled)

57. (Canceled)

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58. (Previously presented) The data processing system of claim 51, wherein said HTTP command to said clearinghouse server corresponding to said user's use of said primary referral link is embedded in said first sub-link.

59. (Canceled)

60. (Previously presented) The data processing system of claim 51, wherein said HTTP command to said clearinghouse server corresponding to said user's use of said secondary referral link is embedded in said third sub-link.

61. (Previously presented) A method for supporting web-based commerce and commission tracking at a clearinghouse server, the method comprising:

in response to a user computer connecting to said clearinghouse server as a result of accessing a first referral link in a web page of a first server, wherein said first referral link corresponds to a referral from said first server to a second server:

redirecting said user computer to said second server, and

storing a record of said referral from said first server to said second server;

in response to said user computer connecting to said clearinghouse server as a result of accessing a second referral link in a web page of said second server, wherein said second referral link corresponds to a referral from said second server to a merchant server:

redirecting said user computer to said merchant server, and

storing a record of said referral from said second server to said merchant server;

and

in response to an indication that said user computer completed an electronic purchase via a web page of said merchant server, assigning compensation to said first server and to said

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second server based on said record of said referral from said first server to said second server and said record of said referral from said second server to said merchant server.

62. (Previously presented) The method of claim 61, wherein assigning compensation comprises assigning compensation to said first server and said second server in equal shares.

63. (Previously presented) The method of claim 61, wherein assigning compensation to said first server comprises assigning a majority portion of a commission associated with said electronic purchase to said first server, and assigning compensation to said second server comprises assigning a minority portion of said commission to said second server.

64. (Previously presented) Software embodied on a non-transitory computer readable medium and executable by a processor, wherein said software, when executed on a computer, causes said computer to perform steps comprising:

in response to a user computer connecting to said clearinghouse server as a result of accessing a first referral link in a web page of a first server, wherein said first referral link corresponds to a referral from said first server to a second server:

redirecting said user computer to said second server, and

storing a record of said referral from said first server to said second server;

in response to said user computer connecting to said clearinghouse server as a result of accessing a second referral link in a web page of said second server, wherein said second referral link corresponds to a referral from said second server to a merchant server:

redirecting said user computer to said merchant server, and

storing a record of said referral from said second server to said merchant server;

and

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in response to an indication that said user computer completed an electronic purchase via a web page of said merchant server, assigning compensation to said first server and to said second server based on said record of said referral from said first server to said second server and said record of said referral from said second server to said merchant server.

65. (Previously presented) Software of claim 64, wherein assigning compensation comprises assigning compensation to said first server and said second server in equal shares.

66. (Previously presented) Software of claim 64, wherein assigning compensation to said first server comprises assigning a majority portion of a commission associated with said electronic purchase to said first server, and assigning compensation to said second server comprises assigning a minority portion of said commission to said second server.

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(10) Evidence Appendix

None.

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(11) Related Proceedings Appendix

None.